

C. Remarks

The claims are 28-33, with claims 28, 30, 32, and 33 being independent. Claims 32 and 33 have been amended to better define the present invention. Support for the amendment may be found throughout the specification, for example, in the Second and Third Embodiments, as well as in Figs. 8 and 9. No new matter has been added. Reconsideration of the present claims is expressly requested.

Claims 32 and 33 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter.

In the Advisory Action dated May 11, 2009, the Examiner stated that the changes in claims 32 and 33 presented in the Amendment filed April 29, 2009 overcome the above rejection. Applicant, therefore, considers this issue resolved and respectfully requests withdrawal of the rejection.

Claims 28-33 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from U.S. Patent Application Publication No. 2002/0110823 A1 (Hogan); 2005/0064436 A1 (Barrett); or 2004/0048259 A1 (Hashmi) in view of U.S. Patent Nos. 6,238,869 B1 (Kris) and 5,876,926 (Beecham). The grounds of rejection are respectfully traversed.

In the May 11, 2009 Advisory Action, the Examiner alleged that Kris teaches a DNA microarray with areas of different probe groups. In particular, the Examiner noted that Kris teaches a surface comprising a plurality of spatially discrete regions, which can be termed test regions and which can be wells, at least two of which are substantially identical, i.e., not 100% identical and different (col. 1, lines 55-60). Further

the Examiner noted that other cited references (Hogan, Barrett, and Hashmi) all teach probes for personal identification and probes for disease detection, which would be considered as different probe groups, and that Kris is only being relied upon to teach that microarrays can have multiple spatially discrete regions of probes. Applicant respectfully disagrees.

Kris teaches a kit having a plurality of separated regions and supplying different samples, respectively, to these regions. Therefore, Kris does not suggest or even hint at supplying same sample to a plurality of probe regions and obtaining ID information (personal identification) and test information (disease detection) at the same time. Therefore, Applicant respectfully submits that Kris, while teaching the use of a substrate with multiple test regions that do not necessarily have to be 100% identical, does not suggest using this type of configuration with a single sample to both identify the subject and perform disease-related analysis, i.e., there is no suggestion for using the substrate of Kris in lieu of those in the other references.

With respect to claims 32 and 33, Applicant respectfully submits that neither of the cited references discloses or suggests a testing method in which the hybridization state of each DNA probe obtained from the second DNA probe group is analyzed and test information is generated and written into a memory unit if the first and second identification information match, but a warning is displayed and the writing is inhibited if the identification information does not match. Also, neither reference discloses or suggests reading a second hybridization pattern of the second DNA probe group, analyzing the hybridization state of each DNA probe obtained from the second DNA probe

group, generating test information, and outputting test information if the identification information matches, but displaying a warning and inhibiting the reading, analysis, generation, and output if there is no identification match. Beecham, which was relied upon by the Examiner with respect to these claims, merely discloses transmitting records when a biometric data match is found.

In conclusion, Applicant respectfully submits that the cited references, whether considered separately or in any combination, fail to disclose or suggest the presently claimed elements.

Wherefore, expedient allowance of the claims and passage to issue are respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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